

REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 2, 4, 5, 7-9, 11-18, 20-26, 28, 30-35, 37-41, 44, 45, 47-52, 54-62, 64-68, 70-79, 82-87, and 89-95 were pending at the time of the Action.
- Claim 85 is canceled herein.
- Claims 1, 7, 15, 21, 26, 33, 49, 51, 58, 59, 76, 77, and 84 are amended herein.
- Claim 96 is added herein.

Support for the new claim and the claim amendments is found in previously pending claims and the specification, as originally filed, for example at least at pages 11, 12, 27, 39-46, 49, 50, and 55. The amendments submitted herein do not introduce new matter.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Deutscher:** Deutscher: U.S. Patent Application Publication No. 2004/0001106
- **Chasen:** Chasen, U.S. Patent No. 6,760,721
- **Smith:** Smith, U.S. Patent Application Publication No. 2003/0167356

Claims 1, 2, 4, 5, 7-9, 12-18, 20-26, 28, 30-35, 37-41, 44, 45, 47-52, 54-62, 64-68, 70-79, 82-87, 89-90 94 and 95 are Non-Obvious Over Deutscher in view of Chasen

Claims 1, 2, 4, 5, 7-9, 12-18, 20-26, 28, 30-35, 37-41, 44, 45, 47-52, 54-62, 64-68, 70-79, 82-87, 89-90 and 94-95 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Deutscher in view of Chasen. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends

claims 1, 15, 21, 26, 33, 49, 58, 76, 77, and 84 as shown above. Applicant respectfully requests reconsideration of the pending claims.

Independent Claim 1

Claim 1, as amended herein, recites (emphasis added):

A method comprising:

receiving a request, from an application at an application programming interface (API), to interact with a plurality of media comprising streaming media; and

generating an original media timeline based on the request, wherein **the original media timeline:**

is exposed to the application via the API;

includes a plurality of nodes;

defines a presentation, to be output via one or more computers, of a first media referenced by a first node with respect to a second media referenced by a second node, wherein:

the first and second nodes are configured as parallel nodes such that the media referenced by the first node that is a child of a parent node is rendered concurrently with the media referenced by the second node that is a child of the same parent node;

the original media timeline is configured for dynamic creation such that at least one node is dynamically created while at least one of the media referenced by the plurality of nodes of the original media timeline is being rendered; and

at least one node includes metadata, the metadata describing:

rendering of the at least one node; and

a collection of additional nodes to be dynamically modified when the original media timeline is rendered; and

specifies delayed creation of one or more of the plurality of nodes when the media timeline is rendered, wherein the delayed creation includes creating the one or more of the plurality of nodes when called by the application.

Deutscher is directed to “creating an interactive presentation employing multi-media components.” *Deutscher*, Title. Deutscher describes a tool for human user interaction. The Office acknowledges, and Applicant agrees, that Deutscher does not teach each element and feature of this claim prior to the amendment. The Office then cites Chasen as allegedly teaching “the original media timeline is configured for dynamic creation such that at least one node is dynamically created while at least one of the media referenced by the plurality of nodes of the original media timeline is being rendered,” as recited before the claim amendment.

Chasen is directed to “managing metadata data.” *Chasen*, Title. Chasen describes receiving a change from a user, and dynamically updating a display of metadata reflecting the change, which may include a user adding, changing, or deleting data. *Id.*, c. 2, ll. 15-22; c. 4, ll. 1-19 and 52-64; c. 13, ll. 45-62; and c. 15, ll. 1-7. However, updating a display of existing nodes as described in Chasen fails to teach or suggest dynamically creating a node while media referenced by another node is rendered as claimed.

In addition, neither of the cited documents teaches or suggests at least the following two elements as recited in amended claim 1:

generating an original media timeline based on [a] request [from an application], wherein **the original media timeline**: ... defines a presentation ... of a first media referenced by a first node with respect to a second media referenced by a second node, wherein: **the first and second nodes are configured as parallel nodes such that the media referenced by the first node** that is a child of a parent node **is rendered concurrently** with the media referenced by the second node that is a child of the same parent node, [and]

generating an original media timeline based on [a] request [from an application], wherein **the original media timeline: ... specifies delayed creation of one or more of the plurality of nodes when the media timeline is rendered, wherein the delayed creation includes creating the one or more of the plurality of nodes when called by one or more applications.**

In the rejection of claim 1, the Office cites Deutscher, paragraphs [0011], [0023], [0026], and [0163]-[0166], as well as FIG. 19 as allegedly teaching, “generating an original media timeline based on [a] request [from an application], wherein **the original media timeline: ... defines a presentation ... of a first media referenced by a first node with respect to a second media referenced by a second node, wherein: the first and second nodes are configured as parallel nodes such that the media referenced by the first node ... is rendered concurrently** with the media referenced by the second node that is a child of the same parent node.”

However, Deutscher merely shows a user interface screen for *authoring* an interactive, multimedia presentation with the content/ links editor being displayed. See *Deutscher*, FIG. 19, [0036] and [0055]. Deutscher does not describe, teach or suggest “parallel nodes such that the media referenced by the first node ... is rendered concurrently with the media referenced by the second node,” as recited in amended claim 1.

Moreover, neither Deutscher nor Chasen, whether taken alone or in combination, teaches or suggests “generating an original media timeline based on [a] request [from an application], wherein **the original media timeline: ... specifies delayed creation of one or more of the plurality of nodes when the media timeline is rendered,**

wherein the delayed creation includes creating the one or more of the plurality of nodes when called by the application," as recited in amended claim 1.

As discussed above, Deutscher describes a tool for a human user to create an interactive presentation employing multi-media components while Chasen describes updating a display of existing nodes. As best understood by Applicant's representative, a combination of the cited documents would describe a user *creating a presentation* that includes *updating existing dependent nodes*, which neither teaches nor suggests an original media timeline *specifying delayed creation* of a node when the timeline is rendered *until called by an application*. As discussed in the specification as originally filed, delaying creation of a node provides for efficient resource use compared to having a full media timeline loaded. See e.g., *Specification*, [0046].

Consequently, the combination of Deutscher and Chasen does not teach or suggest at least these elements of claim 1.

Applicant notes that at least part of the new recitations of claim 1 are based on claim 85, which was not rejected in the previous Office Action. For at least the reasons presented herein, the purported combination of Deutscher and Chasen has not been shown to teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 1.

Dependent Claims 2, 4, 5, 7-9, and 12-14

Claims 2, 4, 5, 7-9, and 12-14 depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2, 4, 5, 7-9, and 12-14 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, claim 7 is recited as a Markush claim. The Office only rejects one member of the Markush group without addressing any of the other members. Specifically, as amended the group consists of a group of metadata including 13 members that specify properties controlling various actions of the nodes recited in claim 1. Applicant respectfully requests that the Office examine each of the members of the Markush group consistent with MPEP § 2173.05(h).

Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 2, 4, 5, 7-9, and 12-14.

Independent Claims 15, 21, 33, 49, 58, 76 and 77

Claim 15, as amended herein, recites (emphasis added):

A method comprising:
generating a media timeline by an application, wherein the media timeline:

includes a plurality of nodes referencing media comprising streaming media;

defines a presentation of a first media referenced by a first node with respect to a second media referenced by a second node, the presentation being configured to be output by one or more computers;

specifies that one or more of the plurality of nodes is created in response to being called by one or more applications; and

is configured for dynamic creation such that at least a first node grouping is created while media referenced by a second node grouping in the media timeline is being rendered; and passing the media timeline to a timeline source for rendering.

Meanwhile, as amended, independent claim 21 recites, in part:

the media timeline specifies delaying creation of one or more of the plurality of nodes when the media timeline is rendered, wherein delaying the creation includes at least one of the one or more computers automatically creating the one or more of the plurality of nodes when called by one or more applications.

In addition, amended independent claim 33 recites, in part:

delaying creation of one or more of the collection of nodes when the media timeline is rendered, wherein the delayed creation includes a computer automatically creating the one or more of the collection of nodes when called by one or more applications.

Furthermore, amended independent claim 49 recites, in part:

delaying creation of one or more of the plurality of nodes when the media timeline is exposed, wherein the delayed creation includes creating the one or more of the plurality of nodes when called by one or more applications.

Moreover, amended independent claim 58 recites, in part:

the media timeline delaying creation of one or more of a plurality of nodes when the media timeline is rendered, wherein the delayed creation includes the computer creating the one or more of the plurality of nodes when called by one or more applications.

Additionally, amended independent claim 76 recites, in part:

specifying, automatically by the computer without user human interaction, delayed creation of one of the two or more nodes as a delayed node when the media timeline is rendered, wherein the delayed creation further comprises creating the delayed node when called by one or more applications.

What's more, amended independent claim 77 recites, in part:

wherein the media timeline ... is configured to specify delayed creation such that at least one node is not created until called by one or more of the plurality of applications.

Deutscher and Chasen have been discussed above. Specifically, Deutscher describes a tool for a human user to create an interactive presentation employing multi-media components while Chasen describes updating a display of existing nodes. As best understood by Applicant's representative, a combination of the cited documents would describe a user *creating a presentation* that includes *updating existing dependent nodes*. Such a combination neither teaches nor suggests a media timeline *specifying delayed creation* of a node when the timeline is rendered *until called by an application*. As discussed in the specification as originally filed, delaying creation of a node provides for efficient resource use compared to having a full media time line loaded. *See e.g., Specification, [0046]*.

Applicant notes that the new recitations of claims 15, 21, 33, 49, 58, 76 and 77 are based on claim 85, which was not rejected in the previous Office Action. For at least the reasons presented herein, the purported combination of Deutscher and Chasen has not been shown to teach or suggest at least these respective elements of

claims 15, 21, 33, 49, 58, 76 and 77. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 15, 21, 33, 49, 58, 76 and 77.

Dependent Claims 16-18, 20, 22-26, 28, 30-32, 34, 35, 37-40, 50-52, 54-57, 59-62, 64, 65, 78, 79, 82, 83, 89, and 94, and 95

Claims 16-18, 20, 22-26, 28, 30-32, 34, 35, 37-40, 50-52, 54-57, 59-62, 64, 65, 78, 79, 82, 83, 89, and 94, and 95 each depend from one of independent claims 15, 21, 33, 49, 58 or 77. As discussed above, independent claims 15, 21, 33, 49, 58 and 77 are allowable over the cited documents. Therefore, claims 16-18, 20, 22-26, 28, 30-32, 34, 35, 37-40, 50-52, 54-57, 59-62, 64, 65, 78, 79, 82, 83, 89, and 94, and 95 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, claim 26 is recited as a Markush claim. The Office only rejects one member of the Markush group without addressing any of the other members. Specifically, as amended, the group consists of a group of metadata including 10 members that specify properties controlling various actions related to the nodes recited in claim 21. Applicant respectfully requests that the Office examine each of the members of the Markush group consistent with MPEP § 2173.05(h).

As another example, claim 51 is recited as a Markush claim. The Office only rejects one member of the Markush group without addressing any of the other members. Specifically, as amended, the group consists of a group of properties including 8 members that specify properties of a second node available to be dynamically changed during rendering of a first node as recited in claim 49. Applicant respectfully requests that the Office examine each of the members of the Markush group consistent with MPEP § 2173.05(h).

As yet another example, claim 59 is recited as a Markush claim. The Office only rejects one member of the Markush group without addressing any of the other members. Specifically, as amended, the group consists of a group of metadata including 11 members that specify properties controlling various actions related to the nodes recited in claim 58. Applicant respectfully requests that the Office examine each of the members of the Markush group consistent with MPEP § 2173.05(h).

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 16-18, 20, 22-26, 28, 30-32, 34, 35, 37-40, 50-52, 54-57, 59-62, 64, 65, 78, 79, 82, 83, 89, and 94, and 95.

Independent Claim 41

Claim 41, recites (emphasis added):

In a media timeline exposed via an application programming interface, the media timeline having a plurality of nodes, at least two of which reference respective media, one or more nodes each having metadata that references a node grouping, a method comprising:

utilizing a computer to load a first node for rendering, wherein the first node is selected from a plurality of node types, the plurality of node types comprising **a parallel node type that includes metadata specifying a plurality of leaf nodes that are rendered simultaneously;**

examining metadata associated with the first node to determine a first node grouping to be loaded in conjunction with the first node;

loading each node referenced by the first node grouping;

rendering the first node grouping;

examining at least one second node in the first node grouping to determine a second node grouping, wherein the examining the at least one second node in the first node grouping is performed during the rendering of the first node grouping;

loading each node referenced by the second node grouping; and

rendering the second node grouping when the rendering of the first node grouping is completed, wherein:

the media timeline is configured for dynamic creation where at least a third node is created while the media timeline is being

rendered, the dynamic creation of the third node being performed by a node source that includes data that defines properties and interrelationships of the created third node with respect to one or more nodes in the first node grouping or one or more nodes in the second node grouping; and

at least a fourth node is configured for communication of an initiated event to another a fifth node which has subscribed to receive events initiated by the fourth node, such that a change may be made to one or more nodes in the media timeline that are affected by the initiated event while the media timeline is being rendered, wherein the plurality of one or more nodes of the media timeline that are affected by the initiated event change are automatically dynamically updated.

Deutscher and Chasen have been discussed above. In the rejection of claim 41, the Office cites Deutscher, paragraphs [0011], [0023], [0026]-[0028], and [0163]-[0166], as well as FIG. 19 as allegedly teaching, “the plurality of node types comprising a **parallel node type that includes metadata specifying a plurality of leaf nodes that are rendered simultaneously**,” as recited in claim 41, with emphasis added.

However, at least as discussed above, Deutscher merely shows a user interface screen for *authoring* an interactive, multimedia presentation with the content/ links editor being displayed. See *Deutscher*, FIG. 19, [0036] and [0055]. Deutscher does not describe, teach or suggest “a parallel node type that includes metadata specifying a plurality of leaf nodes that are rendered simultaneously,” as recited in claim 41. Moreover, Chasen fails to remedy the deficiency.

During the interview, Applicant’s representative understood the Examiner to tentatively concur that loading a track file that points to nodes which are then rendered as they come up in a timeline as discussed in Deutscher is distinct from *simultaneous rendering* as claimed.

For at least the reasons presented herein, the combination of Deutscher and Chasen does not teach or suggest all of the features of claim 41. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 41.

Dependent Claims 44, 45, 47, 48, and 90

Claims 44, 45, 47, 48, and 90 depend from independent claim 41. As discussed above, claim 41 is allowable over the cited documents. Therefore, claims 44, 45, 47, 48, 90 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 44, 45, 47, 48, and 90.

Independent Claim 66

Claim 66 recites (emphasis added):

An application programming interface stored on a computer storage medium, that when accessed by a computer facilitates acts comprising:

exposing a media timeline to one or more independent applications, the media timeline comprising a plurality of nodes callable by one application, wherein:

two or more of **the nodes reference respective media, one of which comprises streaming media;**

the plurality of nodes are arranged in a hierarchy to include a parent node and a child node; and

the child node is configured for initiating an event for communication to the parent node, wherein the event:

is configured such that a change may be made to one or more properties of the child node while the media timeline is rendered; and

describes the change such that additional nodes associated with the child node are dynamically updated in accordance with the communicated event.

Deutscher and Chasen have been discussed above. Neither Deutscher nor Chasen teach or suggest “exposing a media timeline ... comprising a plurality of nodes callable by [an] application, wherein: two or more of the nodes reference respective media, one of which comprises streaming media,” as recited in claim 66.

In the rejection of claim 66, the Office cites Deutscher as allegedly teaching, the emphasized features. *Action*, p. 22, (citing *Deutscher* “tree and nodes of 0011, 0023, 0163-0166 and Figure 19; timeline of 0011 and Figure 23”). However, Deutscher fails to disclose, teach or suggest streaming media, which includes media presented while being received from a streaming provider. Moreover, Chasen fails to remedy the deficiency.

For at least the reasons presented herein, the combination of Deutscher and Chasen does not teach or suggest all of the features of claim 66. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 66.

Dependent Claims 67, 68, and 70-75

Claims 67, 68, and 70-75 depend from independent claim 66. As discussed above, claim 66 is allowable over the cited documents. Therefore, claims 67, 68, and 70-75 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, claim 70 is recited as a Markush claim. The Office only rejects one member of the Markush group without addressing any of the other members. Specifically, the group consists of a group of events including 9 members that specify events a child node is configured to communicate to a parent node as recited in

claim 66. Applicant respectfully requests that the Office examine each of the members of the Markush group consistent with MPEP § 2173.05(h).

Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 67, 68, and 70-75.

Independent Claim 84

Claim 84, as amended herein to incorporate former claim 85, recites (emphasis added):

A computer comprising:
a processor; and
memory configured to maintain:
 a plurality of media;
 a plurality of applications, wherein each application is configured to request at least one of editing, encoding, and rendering of the plurality of media; and
 an infrastructure layer configured to:
 provide an application programming interface (API) for interaction by the plurality of applications with the plurality of media; and
 expose a media timeline, callable by the plurality of applications via the API, which includes a plurality of nodes that define a presentation of the plurality of media, wherein **the media timeline specifies:**
 delayed creation of one or more nodes **when the media timeline is rendered**, wherein the delayed creation **comprises creating the one or more nodes when called by one or more applications**; and
 metadata that is utilized by the plurality of applications, wherein the metadata describes:
 initiating rendering of the plurality of nodes is to be initiated;
 properties and interrelationships of the plurality of nodes;
 node types of the plurality of nodes; and
 dynamic changes to the media timeline such that a group of nodes affected by a modification to an

associated node are automatically updated in accordance with the modification as specified in the properties and interrelationships of the plurality of nodes;

at least one node that is configured for communication of events to another node such that a change may be made to the media timeline while the media timeline is being rendered; and

at least one node that is a parallel node that provides simultaneous rendering of at least two child nodes the child nodes including respective metadata and having respective pointers to respective media.

Deutscher and Chasen have been discussed above. However, neither Deutscher nor Chasen, whether taken alone or in combination, teaches or suggests a media timeline specifying **“delayed creation of one or more nodes when the media timeline is rendered**, wherein the delayed creation **comprises creating the one or more nodes when called by one or more applications,”** as recited in amended claim 84 incorporating former claim 85. Claim 85 was not rejected in the previous Office Action although it was included in a rejection heading.

As discussed above, Deutscher describes a tool for a human user to create an interactive presentation employing multi-media components while Chasen describes updating a display of existing nodes. As best understood by Applicant’s representative, a combination of the cited documents would describe a user *creating a presentation* that includes *updating existing dependent nodes*, which neither teaches nor suggests an original media timeline *specifying delayed creation* of a node when the timeline is rendered *until called by an application*. As discussed in the specification as originally filed, delaying creation of a node provides for efficient resource use compared to having a full media time line loaded. See e.g., *Specification*, [0046].

Consequently, the combination of Deutscher and Chasen does not teach or suggest at least this element of claim 84.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 84.

Dependent Claims 86 and 87

Claims 86 and 87 depend from independent claim 84. As discussed above, claim 84 is allowable over the cited documents. Therefore, claims 86 and 87 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 86 and 87.

Claims 11 and 91-93 are Non-Obvious Over Deutscher in view of Chasen and further in view of Smith

Claims 11 and 91-93 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Deutscher in view of Chasen and further in view of Smith. Applicant respectfully traverses the rejection.

Dependent Claims 11 and 91-93

Claims 11 and 91-93 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the combination of Deutscher and Chasen. Smith is cited for allegedly teaching the respective features of dependent claims 11 and 91-93. However, Smith does not remedy the deficiencies of Deutscher and Chasen as noted above with regard to independent claim 1. Therefore, claims 11 and 91-93 are

allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 11 and 91-93.

New Dependent Claim 96

New claim 96 depends from independent claim 41. As discussed above, claim 41 is allowable over the combination of Deutscher and Chasen. Therefore, claim 96 is allowable over the cited documents of record at least for at least dependency from an allowable base claim, and also for the additional features that it recites. For example, in contrast to claim 96, Deutscher describes a user creating an application while Chasen describes a user updating an existing playlist. Accordingly, Applicant respectfully asserts that claim 96, which recites that “the media timeline is configured for dynamic creation that occurs without user interaction,” is allowable over the cited documents for at least this additional reason.

Expectation that the Next Action Be Non Final

In the event that the next action is not a notice of allowance, Applicant respectfully asserts that such action should be non-final. Imposition of finality in the next action would be premature since the amendment to independent claims, 15, 21, 33, 49, 58, 76, 77 and 84, as presented herein, is limited to incorporating subject matter from former dependent claim 85. Furthermore, the basis of the rejection of the subject matter of claims 41 and 66 is traversed above.

Conclusion

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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Representatives for Applicant

By: /Bea Koempel-Thomas 58213/ Dated: November 4, 2010

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